

By Arci

S.B. 20

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the regulation of drivers education and driving
3 safety programs by the Texas Department of Regulation.

4 SECTION 1. Section 1001.001, Education Code, is
5 amended by amending Subdivisions (2), (3), (4), and (5) and
6 adding Subdivision (13-a) to read as follows:

7 (2) "Approved driving safety course" means a driving
8 safety course approved by the department [~~commissioner~~].

9 (3) "Commission" [~~"Commissioner"~~] means the Texas
10 Commission of Licensing and Regulation [~~commissioner of~~
11 ~~education~~].

12 (4) "Course provider" means an enterprise that:

13 (A) maintains a place of business or solicits
14 business in this state;

15 (B) is operated by an individual, association,
16 partnership, or corporation; and

17 (C) has received an approval for a driving safety
18 course from the department [~~commissioner~~] or has been
19 designated by a person who has received that approval to
20 conduct business and represent the person in this state.

21 (5) "Department" means the Texas Department of
22 Licensing and Regulation [~~Public Safety~~].

23 (13-a) "Executive director" means the executive
24 director of the department.

1 SECTION 2. Section 1001.002(c), Education Code, is
2 amended to read as follows:

3 (c) A driver education course is exempt from this
4 chapter, other than Section 1001.055, if the course is:

5 (1) conducted by a vocational driver training school
6 operated to train or prepare a person for a field of
7 endeavor in a business, trade, technical, or industrial
8 occupation;

9 (2) conducted by a school or training program that
10 offers only instruction of purely avocational or
11 recreational subjects as determined by the department
12 [~~commissioner~~];

13 (3) sponsored by an employer to train its own
14 employees without charging tuition;

15 (4) sponsored by a recognized trade, business, or
16 professional organization with a closed membership to
17 instruct the members of the organization; or

18 (5) conducted by a school regulated and approved
19 under another law of this state.

20 SECTION 3. Sections 1001.003 and 1001.004, Education
21 Code, are amended to read as follows:

22 Sec. 1001.003. LEGISLATIVE INTENT REGARDING SMALL
23 BUSINESSES. It is the intent of the legislature that
24 commission [~~agency~~] rules that affect driver training
25 schools that qualify as small businesses be adopted and
26 administered so as to have the least possible adverse
27 economic effect on the schools.

1 Sec. 1001.004. COST OF ADMINISTERING CHAPTER. The
2 cost of administering this chapter shall be included in the
3 state budget allowance for the department [agency].

4 SECTION 4. Sections 1001.051 and 1001.052, Education
5 Code, are amended to read as follows:

6 Sec. 1001.051. JURISDICTION OVER SCHOOLS. The
7 department [agency] has jurisdiction over and control of
8 driver training schools regulated under this chapter.

9 Sec. 1001.052. RULES. The commission [agency] shall
10 adopt [~~and administer~~] comprehensive rules governing
11 driving safety courses, including rules to ensure the
12 integrity of approved driving safety courses and enhance
13 program quality.

14 SECTION 5. The heading to Section 1001.053,
15 Education Code, is amended to read as follows:

16 Sec. 1001.053. POWERS AND DUTIES OF DEPARTMENT
17 [~~COMMISSIONER~~].

18 SECTION 6. Section 1001.053(a), Education Code, is
19 amended to read as follows:

20 (a) The department [~~commissioner~~] shall:

21 (1) administer [~~the policies of~~] this chapter;

22 (2) enforce minimum standards for driver training
23 schools under this chapter; and

24 (3) [~~adopt and~~] enforce rules adopted by the
25 commission necessary to administer this chapter[~~, and~~

26 [~~(4) visit a driver training school or course~~
27 ~~provider and reexamine the school or course provider for~~
28 ~~compliance with this chapter~~].

1 SECTION 7. The heading to Section 1001.054,
2 Education Code, is amended to read as follows:

3 Sec. 1001.054. RULES RESTRICTING ADVERTISING [~~OR~~
4 ~~COMPETITIVE BIDDING~~].

5 SECTION 8. Section 1001.054(c), Education Code, is
6 amended to read as follows:

7 (c) The commission [~~commissioner~~] by rule may
8 restrict advertising by a branch location of a driver
9 training school so that the location adequately identifies
10 the primary location of the school in a solicitation.

11 SECTION 9. Section 1001.055, Education Code, is
12 amended to read as follows:

13 Sec. 1001.055. DRIVER EDUCATION CERTIFICATES. (a)
14 The department [~~agency~~] shall print and supply to each
15 licensed or exempt driver education school driver education
16 certificates to be used for certifying completion of an
17 approved driver education course to satisfy the
18 requirements of Section 521.204(a)(2), Transportation Code.
19 The certificates must be numbered serially.

20 (b) The commission [~~agency~~] by rule shall provide
21 for the design and distribution of the certificates in a
22 manner that, to the greatest extent possible, prevents the
23 unauthorized reproduction or misuse of the certificates.

24 (c) The department [~~agency~~] may charge a fee of not
25 more than \$4 for each certificate.

26 SECTION 10. Subsections (b), (c), (e) and (g),
27 Section 1001.056, Education Code, as amended by H.B. 468,

1 79th Legislature, Regular Session, are amended to read as
2 follows:

3 (b) The department [~~agency~~] shall provide each
4 licensed course provider with course completion certificate
5 numbers to enable the provider to print and issue [~~agency-~~
6 ~~approved~~] department-approved uniform certificates of
7 course completion. The certificates must be serial.

8 (c) The department [~~agency~~] by rule shall provide
9 for the design of the certificates and the distribution of
10 certificate numbers in a manner that, to the greatest
11 extent possible, prevents the unauthorized production or
12 the misuse of the certificates or certificate numbers.

13 (e) The department [~~agency~~] may charge a fee of not
14 more than \$4 for each course completion certificate number.
15 A course provider that supplies a certificate to an
16 operator shall collect from the operator a fee equal to the
17 amount of the fee paid to the agency for the certificate
18 number.

19 (g) A course provider shall issue a duplicate
20 certificate by United States mail or commercial delivery.
21 The department [~~commissioner~~] by rule shall determine the
22 amount of the fee for issuance of a duplicate certificate
23 under this subsection.

24 SECTION 11. Section 1001.057, Education Code, is
25 amended to read as follows:

26 Sec. 1001.057. ELECTRONIC TRANSMISSION OF DRIVING
27 SAFETY COURSE INFORMATION. The department [~~agency~~] shall
28 investigate options to develop and implement procedures to

1 electronically transmit information relating to driving
2 safety courses to municipal and justice courts.

3 SECTION 12. Subchapter B, Chapter 1001, Education
4 Code, is amended by adding Section 1001.058 to read as
5 follows:

6 Sec. 1001.058. DESIGNATION OF PERSON TO ADMINISTER
7 CHAPTER. The executive director may designate a person
8 knowledgeable in the administration of regulating driver
9 training schools to administer this chapter for the
10 department.

11 SECTION 13. Sections 1001.101 and 1001.102,
12 Education Code, are amended to read as follows:

13 Sec. 1001.101. DRIVER EDUCATION COURSE CURRICULUM
14 AND TEXTBOOKS. The commission [~~commissioner~~] by rule shall
15 establish the curriculum and designate the textbooks to be
16 used in a driver education course.

17 Sec. 1001.102. ALCOHOL AWARENESS INFORMATION. (a)
18 The commission [~~agency~~] by rule shall require that
19 information relating to alcohol awareness and the effect of
20 alcohol on the effective operation of a motor vehicle be
21 included in the curriculum of any driver education course
22 or driving safety course.

23 (b) In developing rules under this section, the
24 commission [~~agency~~] shall consult with the Department of
25 Public Safety [~~department~~].

26 SECTION 14. Sections 1001.103(b), (d), and (e),
27 Education Code, are amended to read as follows:

1 (b) The department [~~agency~~] shall develop standards
2 for a separate school certification and approve curricula
3 for drug and alcohol driving awareness programs that
4 include one or more courses. Except as provided by
5 commission [~~agency~~] rule, a program must be offered in the
6 same manner as a driving safety course.

7 (d) In accordance with Section 461.013(b), Health
8 and Safety Code, the department [~~agency~~] and the Department
9 of State Health Services [~~Texas Commission on Alcohol and~~
10 ~~Drug Abuse~~] shall enter into a memorandum of understanding
11 for the interagency approval of the required curricula.

12 (e) The commission [~~Notwithstanding Section 1001.056,~~
13 ~~Subchapter D, and Sections 1001.213 and 1001.303, the~~
14 ~~commissioner~~] may establish fees in connection with the
15 programs under this section. The fees must be in amounts
16 reasonable and necessary to administer the department's
17 [~~agency's~~] duties under this section.

18 SECTION 15. Sections 1001.104 and 1001.105,
19 Education Code, are amended to read as follows:

20 Sec. 1001.104. HOSPITAL AND REHABILITATION
21 FACILITIES. (a) The department [~~agency~~] shall enter into
22 a memorandum of understanding with the Texas Department of
23 Assistive and Rehabilitative Services [~~Rehabilitation~~
24 ~~Commission~~] and the Department of Public Safety
25 [~~department~~] for the interagency development of curricula
26 and licensing criteria for hospital and rehabilitation
27 facilities that teach driver education.

1 (b) The department [~~agency~~] shall administer
2 comprehensive rules governing driver education courses
3 adopted by mutual agreement among the commission [~~agency~~],
4 the Texas Department of Assistive and Rehabilitative
5 Services [~~Rehabilitation Commission~~], and the Department of
6 Public Safety [~~department~~].

7 Sec. 1001.105. TEXAS DEPARTMENT OF INSURANCE. The
8 commission [~~agency~~] shall enter into a memorandum of
9 understanding with the Texas Department of Insurance for
10 the interagency development of a curriculum for driving
11 safety courses.

12 SECTION 16. Sections 1001.106(b), (c), and (d),
13 Education Code, are amended to read as follows:

14 (b) The commission [~~commissioner~~] by rule shall
15 provide minimum standards of curriculum relating to
16 operation of vehicles at railroad and highway grade
17 crossings.

18 (c) Subchapter F, Chapter 51, Occupations Code,
19 Section 51.353, Occupations Code, and Section [~~Sections~~
20 ~~1001.454,~~] 1001.456 of this code [~~, and 1001.553~~] do not
21 apply to a violation of this section or a rule adopted
22 under this section.

23 (d) Section 51.352, Occupations Code, and Sections
24 [~~1001.455(a)(6),~~] 1001.501 [~~, 1001.551, 1001.552,~~] and
25 1001.554 of this code do not apply to a violation of this
26 section.

27 SECTION 17. Section 1001.107, Education Code, is
28 amended to read as follows:

1 Sec. 1001.107. INFORMATION RELATING TO LITTER
2 PREVENTION. (a) The commission [~~commissioner~~] by rule
3 shall require that information relating to litter
4 prevention be included in the curriculum of each driver
5 education and driving safety course.

6 (b) In developing rules under this section, the
7 commission [~~commissioner~~] shall consult the Department of
8 Public Safety [~~department~~].

9 SECTION 18. Sections 1001.108(a) and (c), Education
10 Code, are amended to read as follows:

11 (a) The commission [~~commissioner~~] by rule shall
12 require that information relating to anatomical gifts be
13 included in the curriculum of each driver education course
14 and driving safety course.

15 (c) In developing rules under this section, the
16 commission [~~commissioner~~] shall consult with the Department
17 of Public Safety [~~department~~] and the [~~Texas~~] Department of
18 State Health Services.

19 SECTION 19. Section 1001.151, Education Code, as
20 amended by H.B. 468, 79th Legislature, Regular Session, is
21 amended to read as follows:

22 Sec. 1001.151. APPLICATION, LICENSE, AND
23 REGISTRATION FEES. (a) The commission [~~commissioner~~]
24 shall establish [~~collect~~] application, license, and
25 registration fees. The fees must be in amounts sufficient
26 to cover administrative costs and are nonrefundable. The
27 department shall collect the application, license, and
28 registration fees.

1 (b) The commission shall establish a fee for:

2 (1) an initial driver education school license and

3 ~~[is \$1,000 plus \$850]~~ for each branch location; [-]

4 (2) ~~[(e) The fee for]~~ an initial driving safety

5 school license; [is an appropriate amount established by

6 ~~the commissioner not to exceed \$200.]~~

7 (3) ~~[(d) The fee for]~~ an initial course provider

8 license [is an appropriate amount established by the

9 ~~commissioner not to exceed \$2,000],~~ except that the

10 commission [agency] may waive the fee if revenue received

11 from the course provider is sufficient to cover the cost of

12 licensing the course provider; [-]

13 (4) the ~~[(e) The]~~ annual renewal [fee] for a course

14 provider, driving safety school, driver education school,

15 or branch location [is an appropriate amount established by

16 ~~the commissioner not to exceed \$200],~~ except that the

17 commission [agency] may waive the fee if revenue generated

18 by the issuance of course completion certificate numbers

19 and driver education certificates is sufficient to cover

20 the cost of administering this chapter and Article 45.0511,

21 Code of Criminal Procedure; [-]

22 (5) ~~[(f) The fee for]~~ a change of address of[+

23 [+1+] a driver education school, [is \$180; and

24 [+2+] a driving safety school, or course provider;

25 ~~[is \$50.]~~

26 (6) ~~[(g) The fee for]~~ a change of name of:

1 (A) ~~[(1)]~~ a driver education school or course
2 provider or an owner of a driver education school or course
3 provider ~~[is \$100]; or [and]~~

4 (B) ~~[(2)]~~ a driving safety school or owner of a
5 driving safety school; ~~[is \$50.]~~

6 (7) ~~[(h) The application fee for]~~ each additional
7 driver education or driving safety course at a driver
8 training school; ~~[is \$25.]~~

9 (8) an ~~[(i) The]~~ application of a ~~[fee for]~~
10 ~~[(1) each]~~ director, ~~[is \$30; and~~
11 ~~[(2) each]~~ assistant director, or administrative
12 staff member; and ~~[is \$15.]~~

13 (9) an ~~[(j) Each]~~ application for approval of a
14 driving safety course that has not been evaluated by the
15 department ~~[commissioner must be accompanied by a~~
16 ~~nonrefundable fee of \$9,000];~~

17 (10) an application for approval to teach an approved
18 driving safety course by an alternative method.

19 (c) ~~[(k)]~~ An application for an original driver
20 education or driving safety instructor license must be
21 accompanied by a processing fee ~~[of \$50]~~ and an annual
22 license fee ~~[of \$25]~~, except that the department
23 ~~[commissioner]~~ may not collect the processing fee from an
24 applicant for a driver education instructor license who
25 is currently teaching a driver education course in a public
26 school in this state.

27 (d) ~~[(l)]~~ The commission ~~[commissioner]~~ shall
28 establish the amount of the fee for a duplicate license.

SECTION 20. Section 1001.153, Education Code, is amended to read as follows:

Sec. 1001.153. COMPLAINT INVESTIGATION FEE. (a) The commission [~~commissioner~~] shall establish the amount of the fee to investigate a driver training school or course provider to resolve a complaint against the school or course provider.

(b) The fee may be charged only if:

(1) the complaint could not have been resolved solely by telephone or in writing;

(2) a representative of the department [~~agency~~] visited the school or course provider as a part of the complaint resolution process; and

(3) the school or course provider was found to be at fault.

SECTION 21. Section 1001.202(b), Education Code, is amended to read as follows:

(b) A driving safety school may use multiple classroom locations to teach a driving safety course if each location:

(1) is approved by the parent school and the department [~~agency~~];

(2) has the same name as the parent school; and

(3) has the same ownership as the parent school.

SECTION 22. Sections 1001.203, 1001.204, 1001.205, and 1001.206, Education Code, are amended to read as follows:

1 Sec. 1001.203. APPLICATION. To operate or do
2 business in this state, a driver training school must apply
3 to the department [~~commissioner~~] for the appropriate
4 license. The application must:

5 (1) be in writing;

6 (2) be in the form prescribed by the department
7 [~~commissioner~~];

8 (3) include all required information; and

9 (4) be verified.

10 Sec. 1001.204. REQUIREMENTS FOR DRIVER EDUCATION
11 SCHOOL LICENSE. The department [~~commissioner~~] shall
12 approve an application for a driver education school
13 license if, on investigation of the premises of the school,
14 it is determined that the school:

15 (1) has courses, curricula, and instruction of a
16 quality, content, and length that reasonably and adequately
17 achieve the stated objective for which the courses,
18 curricula, and instruction are offered;

19 (2) has adequate space, equipment, instructional
20 material, and instructors to provide training of good
21 quality in the classroom and behind the wheel;

22 (3) has directors, instructors, and administrators
23 who have adequate educational qualifications and
24 experience;

25 (4) provides to each student before enrollment:

26 (A) a copy of:

27 (i) the refund policy;

28 (ii) the schedule of tuition, fees, and

1 other charges; and

2 (iii) the regulations relating to absence,

3 grading policy, and rules of operation and conduct; and

4 (B) the department's name, mailing address, [and]

5 telephone number, and Internet website address [~~of the~~

6 ~~agency~~] for the purpose of directing complaints to the

7 department [~~agency~~];

8 (5) maintains adequate records as prescribed by the

9 department [~~commissioner~~] to show attendance and progress

10 or grades and enforces satisfactory standards relating to

11 attendance, progress, and conduct;

12 (6) on completion of training, issues each student a

13 certificate indicating the course name and satisfactory

14 completion;

15 (7) complies with all county, municipal, state, and

16 federal regulations, including fire, building, and

17 sanitation codes and assumed name registration;

18 (8) is financially sound and capable of fulfilling

19 its commitments for training;

20 (9) has administrators, directors, owners, and

21 instructors who are of good reputation and character;

22 (10) maintains and publishes as part of its student

23 enrollment contract the proper policy for the refund of the

24 unused portion of tuition, fees, and other charges if a

25 student fails to take the course or withdraws or is

26 discontinued from the school at any time before completion;

1 (11) does not use erroneous or misleading
2 advertising, either by actual statement, omission, or
3 intimation, as determined by the department [~~commissioner~~];

4 (12) does not use a name similar to the name of
5 another existing school or tax-supported educational
6 institution in this state, unless specifically approved in
7 writing by the executive director [~~commissioner~~];

8 (13) submits to the department [~~agency~~] for approval
9 the applicable course hour lengths and curriculum content
10 for each course offered by the school;

11 (14) does not owe an administrative penalty for a
12 violation of [~~under~~] this chapter; and

13 (15) meets any additional criteria required by the
14 department [~~agency~~].

15 Sec. 1001.205. REQUIREMENTS FOR DRIVING SAFETY
16 SCHOOL LICENSE. The department [~~commissioner~~] shall
17 approve an application for a driving safety school license
18 if on investigation the department [~~agency~~] determines that
19 the school:

20 (1) has driving safety courses, curricula, and
21 instruction of a quality, content, and length that
22 reasonably and adequately achieve the stated objective for
23 which the course, curricula, and instruction are developed
24 by the course provider;

25 (2) has adequate space, equipment, instructional
26 material, and instructors to provide training of good
27 quality;

28 (3) has instructors and administrators who have

1 adequate educational qualifications and experience;

2 (4) maintains adequate records as prescribed by the
3 department [~~commissioner~~] to show attendance and progress
4 or grades and enforces satisfactory standards relating to
5 attendance, progress, and conduct;

6 (5) complies with all county, municipal, state, and
7 federal laws, including fire, building, and sanitation
8 codes and assumed name registration;

9 (6) has administrators, owners, and instructors who
10 are of good reputation and character;

11 (7) does not use erroneous or misleading advertising,
12 either by actual statement, omission, or intimation, as
13 determined by the department [~~commissioner~~];

14 (8) does not use a name similar to the name of
15 another existing school or tax-supported educational
16 establishment in this state, unless specifically approved
17 in writing by the executive director [~~commissioner~~];

18 (9) maintains and uses the approved contract and
19 policies developed by the course provider;

20 (10) does not owe an administrative penalty for a
21 violation of [~~under~~] this chapter;

22 (11) will not provide a driving safety course to a
23 person for less than \$25; and

24 (12) meets additional criteria required by the
25 department [~~commissioner~~].

26 Sec. 1001.206. REQUIREMENTS FOR COURSE PROVIDER
27 LICENSE. The department [~~commissioner~~] shall approve an

1 application for a course provider license if on
2 investigation the department [~~agency~~] determines that:

3 (1) the course provider has an approved course that
4 at least one licensed driving safety school is willing to
5 offer;

6 (2) the course provider has adequate educational
7 qualifications and experience;

8 (3) the course provider will:

9 (A) develop and provide to each driving safety
10 school that offers the approved course a copy of:

11 (i) the refund policy; and

12 (ii) the regulations relating to absence, grading
13 policy, and rules of operation and conduct; and

14 (B) provide to the driving safety school the
15 department's name, mailing address, [~~and~~] telephone number,
16 and Internet website address [~~of the agency~~] for the
17 purpose of directing complaints to the department [~~agency~~];

18 (4) a copy of the information provided to each
19 driving safety school under Subdivision (3) will be
20 provided to each student by the school before enrollment;

21 (5) not later than the 15th working day after the
22 date the person successfully completes the course, the
23 course provider [~~will mail~~] shall issue a uniform
24 certificate of course completion by United States mail or
25 commercial delivery to the person indicating the course
26 name and successful completion;

27 (6) the course provider maintains adequate records
28 as prescribed by the department [~~commissioner~~] to show

1 attendance and progress or grades and enforces satisfactory
2 standards relating to attendance, progress, and conduct;

3 (7) the course provider complies with all county,
4 municipal, state, and federal laws, including assumed name
5 registration and other applicable requirements;

6 (8) the course provider is financially sound and
7 capable of fulfilling its commitments for training;

8 (9) the course provider is of good reputation and
9 character;

10 (10) the course provider maintains and publishes as
11 a part of its student enrollment contract the proper policy
12 for the refund of the unused portion of tuition, fees, and
13 other charges if a student fails to take the course or
14 withdraws or is discontinued from the school at any time
15 before completion;

16 (11) the course provider does not use erroneous or
17 misleading advertising, either by actual statement,
18 omission, or intimation, as determined by the department
19 [~~commissioner~~];

20 (12) the course provider does not use a name similar
21 to the name of another existing school or tax-supported
22 educational institution in this state, unless specifically
23 approved in writing by the executive director
24 [~~commissioner~~];

25 (13) the course provider does not owe an
26 administrative penalty for a violation of [~~under~~] this
27 chapter; and

28 (14) the course provider meets additional criteria

1 required by the department [~~commissioner~~].

2 SECTION 23. Sections 1001.207(a) and (b), Education
3 Code, are amended to read as follows:

4 (a) Before a driver education school may be issued a
5 license, the school must file a corporate surety bond with
6 the department [~~commissioner~~] in the amount of:

7 (1) \$10,000 for the primary location of the school;

8 and

9 (2) \$5,000 for each branch location.

10 (b) A bond issued under Subsection (a) must be:

11 (1) issued in a form approved by the department
12 [~~commissioner~~];

13 (2) issued by a company authorized to do business in
14 this state;

15 (3) payable to the state to be used only for payment
16 of a refund due to a student or potential student;

17 (4) conditioned on the compliance of the school and
18 its officers, agents, and employees with this chapter and
19 rules adopted under this chapter; and

20 (5) issued for a period corresponding to the term of
21 the license.

22 SECTION 24. Section 1001.209(b), Education Code, as
23 amended by H.B. 468, 79th Legislature, Regular Session, is
24 amended to read as follows:

25 (b) A bond issued under Subsection (a) must be:

26 (1) issued by a company authorized to do
27 business in this state;

28 (2) payable to the state to be used:

1 (A) for payment of a refund due a student of
2 the course provider's approved course;

3 (B) to cover the payment of unpaid fees or
4 penalties assessed by the department [~~agency~~]; or

5 (C) to recover any cost associated with
6 providing course completion certificate numbers, including
7 the cancellation of certificate numbers;

8 (3) conditioned on the compliance of the
9 course provider and its officers, agents, and employees
10 with this chapter and rules adopted under this chapter; and

11 (4) issued for a period corresponding to the
12 term of the license.

13 SECTION 25. Section 1001.210, Education Code, is
14 amended to read as follows:

15 Sec. 1001.210. ALTERNATE FORM OF SECURITY. Instead
16 of the bond required by Section 1001.207 or 1001.209, a
17 driver education school or course provider may provide
18 another form of security that is:

19 (1) [~~+A~~] approved by the department [~~commissioner~~];

20 and

21 (2) [~~+B~~] in the amount required for a comparable
22 bond under Section 1001.207 or 1001.209.

23 SECTION 26. Sections 1001.211(a) and (b), Education
24 Code, are amended to read as follows:

25 (a) The department [~~commissioner~~] shall issue a
26 license to an applicant for a license under this subchapter
27 if:

28 (1) the application is submitted in accordance with

1 this subchapter; and

2 (2) the applicant meets the requirements of this
3 chapter.

4 (b) A license must be in a form determined by the
5 department [~~commissioner~~] and must show in a clear and
6 conspicuous manner:

7 (1) the date of issuance, effective date, and term
8 of the license;

9 (2) the name and address of the driver training
10 school or course provider;

11 (3) the authority for and conditions of approval;

12 (4) the executive director's [~~commissioner's~~]
13 signature; and

14 (5) any other fair and reasonable representation
15 that is consistent with this chapter and that the
16 department [~~commissioner~~] considers necessary.

17 SECTION 27. Section 1001.212, Education Code, is
18 amended to read as follows:

19 Sec. 1001.212. NOTICE OF DENIAL OF LICENSE. The
20 department [~~commissioner~~] shall provide a person whose
21 application for a license under this subchapter is denied a
22 written statement of the reasons for the denial.

23 SECTION 28. Sections 1001.213(c) and (d), Education
24 Code, are amended to read as follows:

25 (c) The commission may establish [~~Instead of the~~]
26 fees [~~required by Section 1001.151, the fee~~] for a new
27 driver education school or course provider license under
28 Subsection (b) and [~~is \$500, plus \$200~~] for each branch

1 location that are different from the amounts established
2 under Section 1001.151[7] if:

3 (1) the new owner is substantially similar to the
4 previous owner; and

5 (2) there is no significant change in the management
6 or control of the driver education school or course
7 provider.

8 (d) The department [~~commissioner~~] is not required to
9 reinspect a school or a branch location after a change of
10 ownership.

11 SECTION 29. Section 1001.214, Education Code, is
12 amended to read as follows:

13 Sec. 1001.214. DUPLICATE LICENSE. A duplicate
14 license may be issued to a driver training school or course
15 provider if:

16 (1) the original license is lost or destroyed; and

17 (2) an affidavit of that fact is filed with the
18 department [~~agency~~].

19 SECTION 30. Sections 1001.251, 1001.252, and
20 1001.253, Education Code, are amended to read as follows:

21 Sec. 1001.251. LICENSE REQUIRED FOR INSTRUCTOR. (a)
22 A person may not teach or provide driver education, either
23 as an individual or in a driver education school, or
24 conduct any phase of driver education, unless the person
25 holds a driver education instructor license issued by the
26 department [~~agency~~].

27 (b) A person may not teach or provide driving safety

1 training, either as an individual or in a driving safety
2 school, or conduct any phase of driving safety education,
3 unless the person holds a driving safety instructor license
4 issued by the department [~~agency~~]. This subsection does
5 not apply to an instructor of a driving safety course that
6 does not provide a uniform certificate of course completion
7 to its graduates.

8 Sec. 1001.252. SIGNATURE AND SEAL ON LICENSE
9 REQUIRED. A license under this subchapter must be signed
10 by the executive director [~~commissioner~~].

11 Sec. 1001.253. DRIVER EDUCATION INSTRUCTOR TRAINING.

12 (a) The department [~~commissioner~~] shall establish standards
13 for certification of professional and paraprofessional
14 personnel who conduct driver education programs in driver
15 education schools.

16 (b) A driver education instructor license
17 authorizing a person to teach or provide behind-the-wheel
18 training may not be issued unless the person has
19 successfully completed six semester hours of driver and
20 traffic safety education or a program of study in driver
21 education approved by the department [~~commissioner~~] from an
22 approved driver education school.

23 (c) A person who holds a driver education instructor
24 license authorizing behind-the-wheel training may not be
25 approved to [~~assist a classroom instructor~~] provide
26 instruction in the classroom phase of driver education,
27 under the certification of a classroom instructor, unless
28 the person has successfully completed the three additional

1 semester hours of training required for a classroom
2 instructor or a program of study in driver education
3 approved by the department [~~commissioner~~].

4 (d) Except as provided by Section 1001.254, a driver
5 education instructor license authorizing a person to teach
6 or provide classroom training may not be issued unless the
7 person:

8 (1) has completed nine semester hours of driver and
9 traffic safety education or a program of study in driver
10 education approved by the department [~~commissioner~~] from an
11 approved driver education school; and

12 (2) holds a teaching certificate and any additional
13 certification required to teach driver education.

14 (e) A driver education instructor who has completed
15 the educational requirements prescribed by Subsection
16 (d)(1) may not teach instructor training classes unless the
17 instructor has successfully completed a supervising
18 instructor development program consisting of at least six
19 additional semester hours or a program of study in driver
20 education approved by the department [~~commissioner~~] that
21 includes administering driver education programs and
22 supervising and administering traffic safety education,
23 except that the supervising teacher may allow driver
24 education teachers and teaching assistants to provide
25 training in areas appropriate for their level of
26 certification or licensure.

27 (f) A driver education school may submit for
28 department [~~agency~~] approval a curriculum for an instructor

1 development program for driver education instructors. The
2 program must:

3 (1) be taught by a person who has completed a
4 supervising instructor development program under Subsection
5 (e); and

6 (2) satisfy the requirements of this section for the
7 particular program or type of training to be provided.

8 SECTION 31. Section 1001.254(a), Education Code, is
9 amended to read as follows:

10 (a) A temporary driver education instructor license
11 may be issued authorizing a person to teach or provide
12 classroom driver education training if the person:

13 (1) has completed the educational requirements
14 prescribed by Section 1001.253(d)(1);

15 (2) holds a Texas teaching certificate with an
16 effective date before February 1, 1986;

17 (3) meets all license requirements, other than
18 successful completion of the examination required under
19 rules adopted by the State Board for Educator Certification
20 to revalidate the teaching certificate; and

21 (4) demonstrates, in a manner prescribed by the
22 department [~~commissioner~~], the intention to comply with the
23 examination requirement at the first available opportunity.

24 SECTION 32. Sections 1001.255(a), (b), and (c),
25 Education Code, are amended to read as follows:

26 (a) The department [~~agency~~] shall regulate as a
27 driver education school a driver education instructor who:

28 (1) teaches driver education courses in a county

1 having a population of 50,000 or less; and

2 (2) does not teach more than 200 students annually.

3 (b) An instructor described by Subsection (a) must
4 submit to the department [~~agency~~] an application for an
5 initial or renewal driver education school license,
6 together with all required documentation and information.

7 (c) The department [~~commissioner~~] may waive initial
8 or renewal driver education school license fees or the fee
9 for a director or administrative staff member.

10 SECTION 33. Section 1001.256, Education Code, is
11 amended to read as follows:

12 Sec. 1001.256. DUPLICATE LICENSE. A duplicate
13 license may be issued to a driver education instructor or
14 driving safety instructor if:

15 (1) the original license is lost or destroyed; and

16 (2) an affidavit of that fact is filed with the
17 department [~~agency~~].

18 SECTION 34. The heading to Subchapter G, Chapter
19 1001, Education Code, is amended to read as follows:

20 SUBCHAPTER G. LICENSE EXPIRATION [~~AND RENEWAL~~]

21 SECTION 35. Section 1001.351(b), Education Code, as
22 amended by H.B. 468, 79th Legislature, Regular Session, is
23 amended to read as follows:

24 (b) A course provider shall electronically submit to
25 the department [~~agency~~] in the manner established by the
26 department [~~agency~~] data identified by the department
27 [~~agency~~] relating to uniform certificates of course
28 completion issued by the course provider.

1 SECTION 36. Section 1001.352, Education Code, is
2 amended to read as follows:

3 Sec. 1001.352. FEES FOR DRIVING SAFETY COURSE. (a) A
4 course provider shall charge each student+

5 (1) at least \$25 for a driving safety course; and

6 (2) a fee of at least \$3 which shall be retained by
7 the course provider to be used solely for course materials
8 and for supervising and administering the course as
9 required by this chapter and the rules of the commission.

10 (b) The department shall periodically audit course
11 providers to verify compliance with this subsection. A
12 course provider shall make its books and records available
13 to the department as needed to verify compliance with this
14 section and failure to do so may be enforced pursuant to
15 Subchapter J.

16 SECTION 37. Sections 1001.354(a) and (b), Education
17 Code, are amended to read as follows:

18 (a) A driving safety course may be taught at a
19 driving safety school if the school is approved by the
20 department [~~agency~~].

21 (b) A driving safety school may teach an approved
22 driving safety course by an alternative method that does
23 not require students to be present in a classroom if the
24 department [~~commissioner~~] approves the alternative method.
25 The department [~~commissioner~~] may approve the alternative
26 method if:

1 (1) the department [~~commissioner~~] determines that
2 the approved driving safety course can be taught by the
3 alternative method; and

4 (2) the alternative method includes testing and
5 security measures that are at least as secure as the
6 measures available in the usual classroom setting.

7 SECTION 38. Sections 1001.404(b) and (c), Education
8 Code, are amended to read as follows:

9 (b) The department [~~commissioner~~] shall establish
10 annually the rate of interest for a refund at a rate
11 sufficient to provide a deterrent to the retention of
12 student money.

13 (c) The department [~~agency~~] may except a driver
14 education school or course provider from the payment of
15 interest if the school or course provider makes a good-
16 faith effort to refund tuition, fees, and other charges but
17 is unable to locate the student to whom the refund is owed.
18 On request of the department [~~agency~~], the school or course
19 provider shall document the effort to locate a student.

20 SECTION 39. Sections 1001.451 and 1001.452,
21 Education Code, are amended to read as follows:

22 Sec. 1001.451. PROHIBITED PRACTICES. A person may
23 not:

24 (1) use advertising designed to mislead or deceive a
25 prospective student;

26 (2) fail to notify the department [~~commissioner~~] of
27 the discontinuance of the operation of a driver training
28 school before the fourth working day after the date of

1 cessation of classes and make available accurate records as
2 required by this chapter;

3 (3) issue, sell, trade, or transfer:

4 (A) a uniform certificate of course completion or
5 driver education certificate to a person or driver training
6 school not authorized to possess the certificate;

7 (B) a uniform certificate of course completion to
8 a person who has not successfully completed an approved,
9 six-hour driving safety course; or

10 (C) a driver education certificate to a person who
11 has not successfully completed a department-approved
12 ~~[commissioner-approved]~~ driver education course;

13 (4) negotiate a promissory instrument received as
14 payment of tuition or another charge before the student
15 completes 75 percent of the course, except that before that
16 time the instrument may be assigned to a purchaser who
17 becomes subject to any defense available against the school
18 named as payee; or

19 (5) conduct any part of an approved driver education
20 course or driving safety course without having an
21 instructor physically present in appropriate proximity to
22 the student for the type of instruction being given.

23 Sec. 1001.452. COURSE OF INSTRUCTION. A driver
24 education ~~[training]~~ school shall ~~[may]~~ not enroll a
25 student ~~[maintain, advertise, solicit for,]~~ or conduct a
26 course of instruction in this state before ~~[the later of]:~~

27 (1) ~~[the 30th day after the date the school applies~~
28 ~~for a driver training school license; or]~~

1 [+2+] the date the school receives a driver
2 education [~~training~~] school license from the department
3 [~~commissioner~~]; and

4 (2) the facilities and equipment are inspected and
5 approved by the department.

6 SECTION 40. Sections 1001.453(d) and (e), Education
7 Code, are amended to read as follows:

8 (d) Subchapter F, Chapter 51, Occupations Code,
9 Section 51.353, Occupations Code, and Section [~~Sections~~
10 ~~1001.454,~~] 1001.456(a) of this code [~~, and 1001.553~~] do not
11 apply to a violation of this section or a rule adopted
12 under this section.

13 (e) Section 51.352, Occupations Code, and Sections
14 [~~1001.455(a)(6),~~] 1001.501[~~, 1001.551, 1001.552,~~] and
15 1001.554 of this code do not apply to a violation of this
16 section.

17 SECTION 41. Section 1001.456, Education Code, as
18 amended by H.B. 468, 79th Legislature, Regular Session, is
19 amended to read as follows:

20 Sec. 1001.456. OTHER DISCIPLINARY ACTIONS. (a) If
21 the department [~~agency~~] believes that a driver education
22 school or instructor has violated this chapter or a rule or
23 order of the commission or executive director [~~adopted~~
24 ~~under this chapter~~], the department [~~agency~~] may, without
25 notice:

26 (1) order a peer review;

27 (2) suspend the enrollment of students in the school
28 or the offering of instruction by the instructor; or

1 (3) suspend the right to purchase driver education
2 certificates.

3 (b) If the department [~~agency~~] believes that a
4 course provider, driving safety school, or driving safety
5 instructor has violated this chapter or a rule or order of
6 the commission or executive director [~~adopted under this~~
7 ~~chapter~~], the department [~~agency~~] may, without notice:

8 (1) order a peer review of the course
9 provider, driving safety school, or driving safety
10 instructor;

11 (2) suspend the enrollment of students in the
12 school or the offering of instruction by the instructor; or

13 (3) suspend the right to purchase course
14 completion certificate numbers.

15 (c) A peer review ordered under this section must be
16 conducted by a team of knowledgeable persons selected by
17 the department [~~agency~~]. The team shall provide the
18 department [~~agency~~] with an objective assessment of the
19 content of the school's or course provider's curriculum and
20 its application. The school or course provider shall pay
21 the costs of the peer review.

22 (d) A suspension of enrollment under Subsection
23 (a)(2) or (b)(2) means a ruling by the executive director
24 [~~commissioner~~] that restricts a school from:

25 (1) accepting enrollments or reenrollments;

26 (2) advertising;

27 (3) soliciting; or

28 (4) directly or indirectly advising prospective

1 students of its program or course offerings.

2 SECTION 42. The heading to Subchapter L, Chapter
3 1001, Education Code, is amended to read as follows:

4 SUBCHAPTER L. PENALTIES [~~AND ENFORCEMENT PROVISIONS~~]

5 SECTION 43. Section 1001.555(b), Education Code, is
6 amended to read as follows:

7 (b) The department [~~agency~~] shall contract with the
8 Department of Public Safety [~~department~~] to provide
9 undercover and investigative assistance in the enforcement
10 of Subsection (a).

11 SECTION 44. Article 45.0511(b), Code of Criminal
12 Procedure, is amended to read as follows:

13 (b) The judge shall require the defendant to
14 successfully complete a driving safety course approved by
15 the Texas Department of Licensing and Regulation [~~Education~~
16 ~~Agency~~] or a course under the motorcycle operator training
17 and safety program approved by the designated state agency
18 under Chapter 662, Transportation Code, if:

19 (1) the defendant elects driving safety course or
20 motorcycle operator training course dismissal under this
21 article;

22 (2) the defendant has not completed an approved
23 driving safety course or motorcycle operator training
24 course, as appropriate, within the 12 months preceding the
25 date of the offense;

26 (3) the defendant enters a plea under Article 45.021
27 in person or in writing of no contest or guilty on or
28 before the answer date on the notice to appear and:

1 (A) presents in person or by counsel to the court
2 a request to take a course; or

3 (B) sends to the court by certified mail, return
4 receipt requested, postmarked on or before the answer date
5 on the notice to appear, a written request to take a
6 course;

7 (4) the defendant has a valid Texas driver's license
8 or permit;

9 (5) the defendant is charged with an offense to
10 which this article applies, other than speeding 25 miles
11 per hour or more over the posted speed limit; and

12 (6) the defendant provides evidence of financial
13 responsibility as required by Chapter 601, Transportation
14 Code.

15 SECTION 45. Section 51.308, Education Code, is
16 amended to read as follows:

17 Sec. 51.308. DRIVER EDUCATION. A driver education
18 course for the purpose of preparing students to obtain a
19 driver's license may be offered by an institution of higher
20 education, as defined by Section 61.003, with the approval
21 of the Texas Department of Licensing and Regulation
22 [~~Central Education Agency~~].

23 SECTION 46. Section 521.1655(a), Transportation
24 Code, is amended to read as follows:

25 (a) A driver education school licensed under Chapter
26 1001, Education Code, [~~the Texas Driver and Traffic Safety~~
27 ~~Education Act (Article 4413(29e), Vernon's Texas Civil~~
28 ~~Statutes)~~] may administer to a student of that school the

1 vision, highway sign, and traffic law parts of the
2 examination required by Section 521.161.

3 SECTION 47. Section 521.203, Transportation Code, is
4 amended to read as follows:

5 Sec. 521.203. RESTRICTIONS ON CLASS A AND B
6 LICENSES. The department may not issue a Class A or Class
7 B driver's license to a person who:

8 (1) is under 17 years of age;

9 (2) is under 18 years of age unless the person has
10 completed a driver training course approved by the Texas
11 Department of Licensing and Regulation [~~Central Education~~
12 ~~Agency~~]; or

13 (3) has not provided the department with an
14 affidavit, on a form prescribed by the department, that
15 states that no vehicle that the person will drive that
16 requires a Class A or Class B license is a commercial motor
17 vehicle as defined by Section 522.003.

18 SECTION 48. Subsection 521.204(a), Transportation
19 Code, is amended to read as follows:

20 Sec. 521.204. RESTRICTIONS ON MINOR. (a) The
21 department may issue a Class C driver's license to an
22 applicant under 18 years of age only if the applicant:

23 (1) is 16 years of age or older;

24 (2) has submitted to the department a driver
25 education certificate issued under Section 1001.055,
26 Education Code [~~Section 9A, Texas Driver and Traffic Safety~~
27 ~~Education Act (Article 4413(29e), Vernon's Texas Civil~~
28 ~~Statutes)]], that states that the person has completed and~~

1 passed a driver education course approved by the department
2 under Section 521.205 or by the Texas Department of
3 Licensing and Regulation [~~Education Agency~~];

4 (3) has obtained a high school diploma or its
5 equivalent or is a student:

6 (A) enrolled in a public school, home school, or
7 private school who attended school for at least 80 days in
8 the fall or spring semester preceding the date of the
9 driver's license application; or

10 (B) who has been enrolled for at least 45 days,
11 and is enrolled as of the date of the application, in a
12 program to prepare persons to pass the high school
13 equivalency exam; and

14 (4) has passed the examination required by Section
15 521.161.

16 SECTION 49. Sections 521.205(b) and (d),
17 Transportation Code, are amended to read as follows:

18 (b) The department may not approve a course unless
19 it determines that the course materials are at least equal
20 to those required in a course approved by the Texas
21 Department of Licensing and Regulation [~~Education Agency~~],
22 except that the department may not require that:

23 (1) the classroom instruction be provided in a room
24 with particular characteristics or equipment; or

25 (2) the vehicle used for the behind-the-wheel
26 instruction have equipment other than the equipment
27 otherwise required by law for operation of the vehicle on a

1 highway while the vehicle is not being used for driver
2 training.

3 (d) Completion of a driver education course approved
4 under this section has the same effect under this chapter
5 as completion of a driver education course approved by the
6 Texas Department of Licensing and Regulation [~~Education~~
7 ~~Agency~~].

8 SECTION 50. Subsections 521.222(a) and (c),
9 Transportation Code, are amended to read as follows:

10 Sec. 521.222. INSTRUCTION PERMIT. (a) The
11 department or a driver education school licensed under
12 Chapter 1001, Education Code, [~~the Texas Driver and Traffic~~
13 ~~Safety Education Act (Article 4413(29c), Vernon's Texas~~
14 ~~Civil Statutes)~~] may issue an instruction permit, including
15 a Class A or Class B driver's license instruction permit,
16 to a person who:

17 (1) is 15 years of age or older but under 18 years
18 of age;

19 (2) has satisfactorily completed and passed the
20 classroom phase of an approved driver education course,
21 which may be a course approved under Section 521.205;

22 (3) meets the requirements imposed under Section
23 521.204(3); and

24 (4) has passed each examination required under
25 Section 521.161 other than the driving test.

26 (c) A driver education school may issue an
27 instruction permit to a person 18 years of age or older who
28 has successfully passed:

1 (1) a six-hour adult classroom driver
2 education course approved by the Texas Department of
3 Licensing and Regulation [~~Education Agency~~]; and

4 (2) each part of the driver's examination
5 required by Section 521.161 other than the driving test.

6 SECTION 51. Sections 1001.001(1), 1001.053(b) and
7 (c), 1001.054(a) and (b), 1001.152, 1001.303, 1001.304,
8 1001.454, 1001.455, 1001.457, 1001.458, 1001.459, 1001.460,
9 1001.461, 1001.551, 1001.552, and 1001.553, Education Code,
10 and Subchapter B, Chapter 543, Transportation Code, are
11 repealed.

12 SECTION 52. (a) As soon as practicable after the
13 effective date of this Act, the Texas Education Agency and
14 the Texas Department of Licensing and Regulation shall
15 develop a transition plan for transferring the functions
16 performed by the Texas Education Agency under Chapter 1001,
17 Education Code, to the Texas Department of Licensing and
18 Regulation. The transition plan must include a timetable
19 with specific steps and deadlines needed to complete the
20 transfer.

21 (b) In accordance with the transition plan developed
22 by the Texas Education Agency and the Texas Department of
23 Licensing and Regulation under Subsection (a) of this
24 section, on January 1, 2006:

25 (1) all functions and activities relating to Chapter
26 1001, Education Code, performed by the Texas Education
27 Agency immediately before that date are transferred to the
28 Texas Department of Licensing and Regulation;

1 (2) a rule or form adopted by the commissioner of
2 education that relates to Chapter 1001, Education Code, is
3 a rule or form of the Texas Commission of Licensing and
4 Regulation or the Texas Department of Licensing and
5 Regulation, as applicable, and remains in effect until
6 amended or replaced by that commission or department;

7 (3) a reference in law to or an administrative rule
8 of the Texas Education Agency that relates to Chapter 1001,
9 Education Code, means the Texas Commission of Licensing and
10 Regulation or the Texas Department of Licensing and
11 Regulation, as applicable;

12 (4) a complaint, investigation, or other proceeding
13 before the Texas Education Agency that is related to
14 Chapter 1001, Education Code, is transferred without change
15 in status to the Texas Department of Licensing and
16 Regulation, and the Texas Department of Licensing and
17 Regulation assumes, as appropriate and without a change in
18 status, the position of the Texas Education Agency in an
19 action or proceeding to which the Texas Education Agency is
20 a party;

21 (5) all full-time equivalent employee positions at
22 the Texas Education Agency that primarily concern the
23 administration of Chapter 1001, Education Code, become
24 positions at the Texas Department of Licensing and
25 Regulation and, when filling the positions, the Texas
26 Department of Licensing and Regulation shall give first
27 consideration to an applicant who, as of December 31, 2005,
28 was a full-time employee at the Texas Education Agency

1 primarily involved in administering Chapter 1001, Education
2 Code;

3 (6) all money, contracts, leases, property, and
4 obligations of the Texas Education Agency related to
5 Chapter 1001, Education Code, are transferred to the Texas
6 Department of Licensing and Regulation;

7 (7) all property in the custody of the Texas
8 Education Agency related to Chapter 1001, Education Code,
9 is transferred to the Texas Department of Licensing and
10 Regulation; and

11 (8) the unexpended and unobligated balance of any
12 money appropriated by the legislature for the Texas
13 Education Agency related to Chapter 1001, Education Code,
14 is transferred to the Texas Department of Licensing and
15 Regulation.

16 (c) Before January 1, 2006, the Texas Education
17 Agency may agree with the Texas Department of Licensing and
18 Regulation to transfer any property of the Texas Education
19 Agency to the Texas Department of Licensing and Regulation
20 to implement the transfer required by this Act.

21 (d) In the period beginning with the effective date
22 of this Act and ending on January 1, 2006, the Texas
23 Education Agency shall continue to perform functions and
24 activities under Chapter 1001, Education Code, as if that
25 chapter had not been amended by this Act, and the former
26 law is continued in effect for that purpose.

27 SECTION 53. Before December 31, 2007, the department
28 shall perform a complete review and approval of each six-

1 hour driving safety course and alternative delivery method
2 approved before July 1, 2005, to verify compliance with
3 Chapter 1001, Education Code, and the rules of the
4 department applicable to the course or method. The
5 department shall charge each course provider and
6 alternative method owner the fee applicable to an
7 application for initial approval of a driving safety
8 course, which funds are appropriated to the department to
9 administer the requirements of this subsection. The
10 department may revoke the approval of any course or
11 alternative delivery method that is not in compliance with
12 Chapter 1001, Education Code, the rules of the department
13 under that chapter or this subsection. This subsection does
14 not apply to a specialized driving safety course approved
15 by the Texas Education Agency that includes four hours of
16 instruction that encourages the use of child passenger
17 safety seat systems and the wearing of seat belts.

18 SECTION 54. The changes in law made by this article
19 apply only to a fee charged on or after January 1, 2006. A
20 fee charged before January 1, 2006, is governed by the law
21 in effect immediately before that date, and the former law
22 is continued in effect for that purpose.

23 SECTION 55. Except as otherwise provided by this
24 Act, the changes in law made by this article apply only to
25 a license issued or renewed on or after January 1, 2006.
26 An issuance or renewal that occurs before January 1, 2006,
27 is governed by the law in effect immediately before that

1 date, and the former law is continued in effect for that
2 purpose.

3 SECTION 56. This Act takes effect immediately if it
4 receives a vote of two-thirds of all the members elected to
5 each house, as provided by Section 39, Article III, Texas
6 Constitution. If this Act does not receive the vote
7 necessary for immediate effect, this Act takes effect
8 November 1, 2005.

S.B. No. 20

By Averitt

A BILL TO BE ENTITLED

AN ACT: relating to the regulation of drivers education and driving safety program
by the Texas Department of Regulation.

JUL 21 2005 Filed with the Secretary of the Senate
JUL 25 2005 Read and referred to Committee on EDUCATION
Reported favorably _____
Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.
Ordered not printed
Laid before the Senate
Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent
_____ yeas, _____ nays
Read second time, _____, and ordered engrossed by: { unanimous consent
a viva voce vote
_____ yeas, _____ nays
Senate and Constitutional 3 Day Rule suspended by a vote of _____ yeas, _____ nays.
Read third time, _____, and passed by: { A viva voce vote
_____ yeas, _____ nays

SECRETARY OF THE SENATE

OTHER ACTION:

_____ Engrossed
_____ Sent to House

Engrossing Clerk _____

_____ Received from the Senate
_____ Read first time and referred to Committee on _____
_____ Reported _____ favorably (as amended) (as substituted)
_____ Sent to Committee on (Calendars) (Local & Consent Calendars)
_____ Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)
_____ Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of _____ yeas, _____ nays, _____ present, not voting.
_____ Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)
_____ Returned to Senate.

CHIEF CLERK OF THE HOUSE

_____ Returned from House without amendment.
_____ Returned from House with _____ amendments.
_____ Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays